

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

EDDIE F. MARSHAL, *et al.*,

Plaintiffs

v.

C-1-02-189

OHIO DEPARTMENT OF  
EDUCATION, *et al.*,

Defendants

**ORDER**

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 32) and plaintiffs' response thereto (doc. no. 33). The Magistrate Judge concluded that plaintiffs have not alleged facts sufficient to warrant a temporary restraining order. Plaintiffs seek an Injunction requiring defendants to affirmatively correct deficiencies yet to be proven and therefore, the injunction - the purpose of which is to maintain the status quo - is not warranted at this time. The Magistrate Judge therefore recommended that plaintiff's Motion for Immediate Relief and Temporary Injunctive Relief (doc. no. 4) be denied.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby **ADOPTS AND INCORPORATES HEREIN BY REFERENCE** the Report and Recommendation of the United States Magistrate Judge (doc. no. 32). Plaintiff's Motion for Immediate Relief and Temporary Injunctive Relief (doc. no. 4) is **DENIED**.

This matter is **RECOMMITTED** to the United States Magistrate Judge for further proceedings according to law.

**IT IS SO ORDERED.**

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court